

House File 614

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1 1 HOUSE FILE 614
1 2
1 3 AN ACT
1 4 RELATING TO ELECTIONS AND VOTER REGISTRATION BY IMPLEMENTING
1 5 REQUIREMENTS OF FEDERAL LAW, CREATING A PLANNING AND
1 6 IMPLEMENTATION COMMITTEE, MODIFYING CLOSING HOURS OF THE
1 7 POLLS, AND MAKING CHANGES RELATING TO ABSENTEE VOTING
1 8 PROCEDURES, INCLUDING REQUEST AND DELIVERY OF ABSENTEE BALLOT
1 9 APPLICATIONS, DELIVERY OF ABSENTEE BALLOTS TO THE VOTER, AND
1 10 DELIVERY OF COMPLETED ABSENTEE BALLOTS TO THE COUNTY COMMIS-
1 11 SIONER OF ELECTIONS, AND INCLUDING EFFECTIVE DATE PROVISIONS.
1 12
1 13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA
1 14
1 15 DIVISION I
1 16 PROVISIONS RELATING TO THE FEDERAL HELP AMERICA VOTE ACT
1 17 AND MISCELLANEOUS VOTING PROVISIONS
1 18 Section 1. Section 47.1, Code 2003, is amended by adding
1 19 the following new unnumbered paragraph:
1 20 NEW UNNUMBERED PARAGRAPH. The state commissioner shall
1 21 adopt rules pursuant to chapter 17A, for the implementation of
1 22 uniform and nondiscriminatory administrative complaint
1 23 procedures for resolution of grievances relating to violations
1 24 of Title III of Pub. L. No. 107=252.
1 25 Sec. 2. Section 47.7, subsections 2, 3, and 4, Code 2003,
1 26 are amended by striking the subsections and inserting in lieu
1 27 thereof the following:
1 28 2. a. On or before January 1, 2004, or on or before
1 29 January 1, 2006, if a waiver is granted pursuant to section
1 30 303(d) of Pub. L. No. 107=252, the state registrar of voters
1 31 shall implement in a uniform and nondiscriminatory manner, a
1 32 single, uniform, official, centralized, interactive
1 33 computerized statewide voter registration file defined,
1 34 maintained, and administered at the state level that contains
1 35 the name and registration information of every legally
2 1 registered voter in the state and assigns a unique identifier
2 2 to each legally registered voter in the state. The state
2 3 voter registration system shall be coordinated with other
2 4 agency databases within the state, including, but not limited
2 5 to, the department of transportation driver's license records,
2 6 judicial records of convicted felons and persons declared
2 7 incompetent to vote, and department of public health records
2 8 of deceased persons.
2 9 b. On or after the deadline established in paragraph "a",
2 10 a county shall not establish or maintain a voter registration
2 11 system separate from the state voter registration system.
2 12 Each county shall provide to the state registrar the names,
2 13 voter registration information, and voting history of each
2 14 registered voter in the county in the form required by the
2 15 state registrar.
2 16 c. A state or local election official may obtain immediate
2 17 electronic access to the information contained in the
2 18 computerized voter registration file. All voter registration
2 19 information obtained by a local election official shall be
2 20 electronically entered into the computerized voter
2 21 registration file on an expedited basis at the time the
2 22 information is provided to the local election official. The
2 23 state registrar shall provide such support as may be required
2 24 to enable local election officials to electronically enter the
2 25 information into the computerized voter registration file on
2 26 an expedited basis. The list generated from the computerized
2 27 file shall serve as the official voter registration list for
2 28 the conduct of all elections for federal office in the state.
2 29 d. The state registrar shall prescribe by rule the
2 30 procedures for access to the state voter registration file,
2 31 security requirements, and access protocols for adding,
2 32 changing, or deleting information from the state voter
2 33 registration file.
2 34 Sec. 3. NEW SECTION. 47.9 STATE PLANNING AND
2 35 IMPLEMENTATION COMMITTEE.
3 1 1. A state planning and implementation committee is
3 2 created to carry out the provisions of this section.
3 3 2. a. The state planning and implementation committee
3 4 shall consist of the following members appointed by the
3 5 governor, subject to confirmation by the senate:

3 6 (1) The county auditors of the two most populous counties
3 7 in the state.
3 8 (2) The county auditor or deputy auditor of a county with
3 9 a population of twenty-five thousand or more.
3 10 (3) The county auditor or deputy auditor of a county with
3 11 a population of less than twenty-five thousand.
3 12 (4) The president of the Iowa state association of county
3 13 auditors.
3 14 (5) The president of the Iowa state association of
3 15 counties.
3 16 (6) A representative from the office of auditor of state.
3 17 (7) A representative of an organization representing
3 18 persons with disabilities.
3 19 (8) An eligible elector who is a member of a racial
3 20 minority.
3 21 (9) A person with expertise in information technology and
3 22 who serves in an executive capacity in either the public or
3 23 private sector.
3 24 (10) Two persons who are eligible electors.
3 25 b. The committee shall include the following ex officio
3 26 members:
3 27 (1) The state commissioner of elections or the
3 28 commissioner's designee.
3 29 (2) A member of the senate appointed by the majority
3 30 leader of the senate.
3 31 (3) A member of the house of representatives appointed by
3 32 the speaker of the house of representatives.
3 33 (4) A member of the senate appointed by the minority
3 34 leader of the senate.
3 35 (5) A member of the house of representatives appointed by
4 1 the minority leader of the house of representatives.
4 2 (6) The executive director of the state republican party.
4 3 (7) The executive director of the state democratic party.
4 4 (8) The executive director of the ethics and campaign
4 5 disclosure board.

4 6 3. The membership of the committee listed in subsection 2,
4 7 paragraph "a", shall comply with section 69.16. The
4 8 membership of the committee in subsection 2 is not required to
4 9 comply with section 69.16A. The members of the committee
4 10 shall elect a chairperson at its organizational meeting.

4 11 4. The planning and implementation committee shall develop
4 12 and adopt a plan for compliance with Pub. L. No. 107=252. The
4 13 plan shall include the information required in section 254 of
4 14 Pub. L. No. 107=252. The plan shall have as its priority
4 15 assisting local elections officials in implementing the
4 16 provisions of Pub. L. No. 107=252. The committee shall also
4 17 study and make recommendations on the issue of requiring
4 18 identification of all voters in elections conducted in this
4 19 state.

4 20 5. The plan developed and adopted by the committee shall
4 21 be transmitted to the governor who shall submit the plan to
4 22 the appropriate federal agency. The state commissioner of
4 23 elections shall implement the plan developed and adopted by
4 24 the committee and shall not implement Pub. L. No. 107=252, or
4 25 spend state and federal funds appropriated for implementation
4 26 of the plan or of the federal law, in a manner contrary to the
4 27 provisions of such plan.

4 28 6. The planning and implementation committee shall
4 29 periodically submit progress reports to the oversight
4 30 committee of the legislative council. Once the plan is
4 31 submitted to the appropriate federal agency, the oversight
4 32 committee shall monitor implementation of the plan and
4 33 expenditure of funds relating to implementation of the plan
4 34 and of Pub. L. No. 107=252.

4 35 Sec. 4. Section 48A.8, Code 2003, is amended to read as
5 1 follows:

5 2 48A.8 REGISTRATION BY MAIL.

5 3 1. An eligible elector may register to vote by completing
5 4 a mail registration form. The form may be mailed or delivered
5 5 by the registrant or the registrant's designee to the
5 6 commissioner in the county where the person resides. A
5 7 separate registration form shall be signed by each individual
5 8 registrant.

5 9 2. An eligible elector who registers by mail and who has
5 10 not previously voted in an election for federal office in the
5 11 county of registration shall be required to provide
5 12 identification documents when voting for the first time in the
5 13 county, unless the registrant provided on the registration
5 14 form the registrant's Iowa driver's license number or the last
5 15 four numerals of the registrant's social security number and
5 16 the driver's license or partial social security number matches

5 17 an existing state or federal identification record with the
5 18 same social security number or Iowa driver's license number
5 19 and name, including first name and any family forename or
5 20 surname, and date of birth, including month, date, and year.
5 21 If the registrant under this subsection votes in person at the
5 22 polls, or by absentee ballot at the commissioner's office or
5 23 at a satellite voting station, the registrant shall provide a
5 24 current and valid photo identification card, or shall present
5 25 to the appropriate election official one of the following
5 26 current documents that show the name and address of the
5 27 registrant:
5 28 a. Utility bill.
5 29 b. Bank statement.
5 30 c. Government check.
5 31 d. Other government document.
5 32 3. If the registrant under subsection 2 votes an absentee
5 33 ballot by mail, the registrant shall provide a photocopy of
5 34 one of the documents listed in subsection 2 when returning the
5 35 absentee ballot.
6 1 4. A registrant under subsection 2 who is required to
6 2 present identification when casting a ballot in person shall
6 3 be permitted to vote a provisional ballot if the voter does
6 4 not provide the required identification documents. If a voter
6 5 who is required to present identification when casting a
6 6 ballot votes an absentee ballot by mail, the ballot returned
6 7 by the voter shall be considered a provisional ballot pursuant
6 8 to sections 49.81 and 53.31.
6 9 Sec. 5. Section 48A.11, subsection 1, paragraph b, Code
6 10 2003, is amended to read as follows:
6 11 b. The registrant's name, including first name and any
6 12 family forename or surname.
6 13 Sec. 6. Section 48A.11, subsection 1, paragraph e, Code
6 14 2003, is amended by striking the paragraph and inserting in
6 15 lieu thereof, the following:
6 16 e. Iowa driver's license number, if the registrant has a
6 17 current and valid Iowa driver's license, or the last four
6 18 numerals of the registrant's social security number. If the
6 19 registrant does not have either an Iowa driver's license
6 20 number or a social security number, the form shall provide
6 21 space for a number to be assigned as provided in subsection 7.
6 22 Sec. 7. Section 48A.11, subsection 1, paragraph f, Code
6 23 2003, is amended to read as follows:
6 24 f. Date of birth, including month, date, and year.
6 25 Sec. 8. Section 48A.11, subsection 1, paragraph i, Code
6 26 2003, is amended to read as follows:
6 27 i. Political party registration, if any.
6 28 Sec. 9. Section 48A.11, subsection 2, Code 2003, is
6 29 amended by adding the following new paragraph:
6 30 NEW PARAGRAPH. c. The following questions and statement
6 31 regarding eligibility:
6 32 (1) Are you a citizen of the United States of America?
6 33 (2) Will you be eighteen years of age on or before
6 34 election day?
6 35 (3) If you checked "no" in response to either of these
7 1 questions, do not complete this form.
7 2 Sec. 10. Section 48A.11, subsection 5, Code 2003, is
7 3 amended to read as follows:
7 4 5. All forms for voter registration shall be prescribed by
7 5 ~~rule adopted~~ by the state voter registration commission.
7 6 Sec. 11. Section 48A.11, Code 2003, is amended by adding
7 7 the following new subsection:
7 8 NEW SUBSECTION. 7. A voter registration application
7 9 lacking the registrant's name, sex, date of birth, or
7 10 residence address or description shall not be processed. If
7 11 the registrant answered "no" or did not answer either "yes" or
7 12 "no" to the question in subsection 2, paragraph "c",
7 13 subparagraph (1), the application shall not be processed. A
7 14 registrant whose registration is not processed pursuant to
7 15 this subsection shall be notified pursuant to section 48A.26,
7 16 subsection 3. A registrant who does not have either an Iowa
7 17 driver's license number or a social security number and who
7 18 notifies the registrar of such shall be assigned a unique
7 19 identifying number that shall serve to identify the registrant
7 20 for voter registration purposes.
7 21 Sec. 12. NEW SECTION. 48A.25A VERIFICATION OF VOTER
7 22 REGISTRATION INFORMATION.
7 23 Upon receipt of an application for voter registration, the
7 24 state registrar of voters shall compare the driver's license
7 25 number or the last four numerals of the social security number
7 26 provided by the registrant with the records of the state
7 27 department of transportation. If the information cannot be

7 28 verified, the application shall be rejected and the registrant
7 29 shall be notified of the reason for the rejection. If the
7 30 information can be verified, a record shall be made of the
7 31 source used for verification and the application shall be
7 32 accepted.

7 33 This section does not apply to persons entitled to register
7 34 to vote and to vote pursuant to section 48A.5, subsection 4.

7 35 Sec. 13. Section 48A.26, subsection 3, Code 2003, is
8 1 amended to read as follows:

8 2 3. If the registration form is missing required
8 3 information pursuant to section 48A.11, subsection 7, the
8 4 acknowledgment shall advise the applicant what additional
8 5 information is required. The commissioner shall enclose a new
8 6 registration by mail form for the applicant to use. If the
8 7 registration form has no address, the commissioner shall make
8 8 a reasonable effort to determine where the acknowledgment
8 9 should be sent. If the incomplete application is received
8 10 during the twelve days before the close of registration for an
8 11 election, the commissioner shall provide the registrant with
8 12 an opportunity to complete the form before the close of
8 13 registration.

8 14 Sec. 14. Section 48A.28, subsection 2, unnumbered
8 15 paragraph 2, Code 2003, is amended to read as follows:

8 16 A commissioner participating in the national change of
8 17 address program, in the first quarter of each calendar year,
8 18 shall send a notice and preaddressed, postage paid return card
8 19 by forwardable mail to each registered voter whose name was
8 20 not reported by the national change of address program and who
8 21 has not voted, in two or more consecutive general elections
8 22 and has not registered again, or who has not reported a change
8 23 to an existing registration, or who has not responded to a
8 24 notice from the commissioner or registrar during the preceding
8 25 four calendar years period between and following the previous
8 26 two general elections. The form and language of the notice
8 27 and return card shall be specified by the state voter
8 28 registration commission by rule. A registered voter shall not
8 29 be sent a notice and return card under this subsection more
8 30 frequently than once in a four-year period.

8 31 Sec. 15. Section 48A.36, subsection 2, Code 2003, is
8 32 amended to read as follows:

8 33 2. Upon receipt of electronic registration data under
8 34 subsection 1, the state registrar of voters ~~may~~ shall cause
8 35 the updating of registration records ~~for registrants in~~
9 1 ~~counties which have arranged for data processing services~~
9 2 ~~under section 47.7, subsection 2.~~ The registrar shall notify
9 3 the appropriate commissioner of the actions taken.

9 4 Sec. 16. Section 48A.38, subsection 1, paragraph f, Code
9 5 2003, is amended to read as follows:

9 6 f. The county commissioner of registration and the state
9 7 registrar of voters shall remove a voter's social security
9 8 number and driver's license number from a voter registration
9 9 list prepared pursuant to this section.

9 10 Sec. 17. Section 49.44, unnumbered paragraph 2, Code 2003,
9 11 is amended by striking the unnumbered paragraph.

9 12 Sec. 18. Section 49.68, Code 2003, is amended to read as
9 13 follows:

9 14 49.68 STATE COMMISSIONER TO FURNISH INSTRUCTIONS.
9 15 The state commissioner with the approval of the attorney
9 16 general shall prepare, and from time to time revise, written
9 17 instructions to the voters relative to voting, and shall
9 18 furnish each commissioner with copies of the instructions.
9 19 Such One set of instructions, which shall be known as
9 20 instructions for marking ballots, shall cover the manner of
9 21 marking ballots. Another set of instructions, which shall be
9 22 known as the Iowa voter bill of rights, shall cover the
9 23 following matters:

9 24 1. The manner of obtaining ballots.
9 25 2. ~~The manner of marking ballots.~~
9 26 3. 2. That unmarked or improperly marked ballots will not
9 27 be counted.
9 28 4. 3. The method of gaining assistance in marking ballots.
9 29 5. 4. That any erasures or identification marks, or
9 30 otherwise spoiling or defacing a ballot, will render it
9 31 invalid.
9 32 6. 5. Not to vote a spoiled or defaced ballot.
9 33 7. 6. How to obtain a new ballot in place of a spoiled or
9 34 defaced one.
9 35 7. How to cast a provisional ballot.
10 1 8. Instructions for first-time voters who registered by
10 2 mail pursuant to section 48A.8.
10 3 9. The appropriate official to contact if the voter

10 4 believes the voter's rights have been violated.
10 5 10. Polling place hours and the date of the election.
10 6 11. Information about federal and state laws prohibiting
10 7 fraud and misrepresentation.
10 8 ~~8- 12.~~ Any other matters ~~thought~~ determined necessary.
10 9 Sec. 19. Section 49.70, Code 2003, is amended to read as
10 10 follows:
10 11 49.70 PRECINCT ELECTION OFFICIALS FURNISHED INSTRUCTIONS.
10 12 The commissioner shall cause copies of ~~the foregoing~~ each
10 13 set of instructions to be printed in large, clear type, under
10 14 the ~~heading~~ headings of Iowa voter bill of rights and
10 15 "instructions instructions for voters" marking ballots, and
10 16 shall furnish the precinct election officials with a
10 17 sufficient number of ~~such~~ each set of instructions as will
10 18 enable them to comply with section 49.71.
10 19 Sec. 20. Section 49.71, Code 2003, is amended to read as
10 20 follows:
10 21 49.71 POSTING INSTRUCTION CARDS AND SAMPLE BALLOTS.
10 22 The precinct election officials, before the opening of the
10 23 polls, shall ~~cause said cards~~ securely post each set of
10 24 ~~instructions to be securely posted~~ as follows:
10 25 1. One copy of instructions for marking ballots in each
10 26 voting booth.
10 27 2. Not less than four copies of each set, with an equal
10 28 number of sample ballots, in and about the polling place.
10 29 Sec. 21. Section 49.73, subsection 2, Code 2003, is
10 30 amended to read as follows:
10 31 2. The commissioner shall not shorten voting hours for any
10 32 election if there is filed in the commissioner's office, at
10 33 least twenty-five days before the election, a petition signed
10 34 by at least fifty eligible electors of the school district or
10 35 city, as the case may be, requesting that the polls be opened
11 1 not later than seven o'clock a.m. All polling places where
11 2 the candidates of or any public question submitted by any one
11 3 political subdivision are being voted upon shall be opened at
11 4 the same hour, except that this requirement shall not apply to
11 5 merged areas established under chapter 260C. The hours at
11 6 which the respective precinct polling places are to open shall
11 7 not be changed after publication of the notice required by
11 8 section 49.53. The polling places shall be closed at ~~nine~~
~~11 9 o'clock eight p.m. for state primary and general elections and~~
~~11 10 other partisan elections, and for any other election held~~
~~11 11 concurrently therewith, and at eight o'clock p.m. for all~~
11 12 ~~other elections.~~
11 13 Sec. 22. Section 49.81, Code 2003, is amended to read as
11 14 follows:
11 15 49.81 PROCEDURE FOR CHALLENGED VOTER TO CAST PROVISIONAL
11 16 BALLOT.
11 17 1. A prospective voter who is prohibited under section
11 18 48A.8, subsection 4, section 49.77, subsection 4, or section
11 19 49.80 from voting except under this section shall be permitted
11 20 to notified by the appropriate precinct election official that
11 21 the voter may cast a paper provisional ballot. If a booth
11 22 meeting the requirement of section 49.25 is not available at
11 23 that polling place, the precinct election officials shall make
11 24 alternative arrangements to insure the challenged voter the
11 25 opportunity to vote in secret. The marked ballot, folded as
11 26 required by section 49.84, shall be delivered to a precinct
11 27 election official who shall immediately seal it in an envelope
11 28 of the type prescribed by subsection 4. The sealed envelope
11 29 shall be deposited in ~~a special an~~ an envelope marked "ballots
11 30 for special precinct" "provisional ballots" and shall be
11 31 considered as having been cast in the special precinct
11 32 established by section 53.20 for purposes of the postelection
11 33 canvass.
11 34 2. Each person who casts a ~~special~~ provisional ballot
11 35 under this section shall receive a printed statement in
12 1 substantially the following form:
12 2 Your qualifications as a registered voter have been
12 3 challenged for the following reasons:
12 4 I.
12 5 II.
12 6 III.
12 7 Your right to vote will be reviewed by the special precinct
12 8 counting board on You have the right and are
12 9 encouraged to make a written statement and submit additional
12 10 written evidence to this board supporting your qualifications
12 11 as a registered voter. This written statement and evidence
12 12 may be given to an election official of this precinct on
12 13 election day or mailed or delivered to the county commissioner
12 14 of elections, but must be received before a.m./p.m. on

12 15 at If your ballot is not counted you will
12 16 receive, by mail, notification of this fact and the reason
12 17 that the ballot was not counted.

12 18 3. Any elector may present written statements or
12 19 documents, supporting or opposing the counting of any ~~special~~
12 20 provisional ballot, to the precinct election officials on
12 21 election day, until the hour for closing the polls. Any
12 22 statements or documents so presented shall be delivered to the
12 23 commissioner when the election supplies are returned.

12 24 4. The individual envelopes used for each ~~paper~~
12 25 provisional ballot cast pursuant to subsection 1 shall have
12 26 printed on them the format of the face of the registration
12 27 form under section 48A.8 and the following:

12 28 I believe I am a registered voter of this precinct county
12 29 and I am eligible to vote in this election. I registered to
12 30 vote in county on or about at My name
12 31 at that time was I have not moved to a different
12 32 county since that time. I am a United States citizen, at
12 33 least eighteen years of age.

12 34
12 35 (signature of voter) (date)

13 1 The following information is to be provided by the precinct
13 2 election official:

13 3 Reason for challenge:

13 4
13 5

13 6
13 7 (signature of precinct
13 8 election official)

13 9 Sec. 23. Section 50.20, Code 2003, is amended to read as
13 10 follows:

13 11 50.20 NOTICE OF NUMBER OF SPECIAL PROVISIONAL BALLOTS.

13 12 The commissioner shall compile a list of the number of
13 13 ~~special provisional~~ ballots cast under section 49.81 in each
13 14 precinct. The list shall be made available to the public as
13 15 soon as possible, but in no case later than nine ~~o'clock~~ a.m.
13 16 on the second day following the election. Any elector may
13 17 examine the list during normal office hours, and may also
13 18 examine the affidavit envelopes bearing the ballots of
13 19 challenged electors until the reconvening of the special
13 20 precinct board as required by this chapter. Only those
13 21 persons so permitted by section 53.23, subsection 4, shall
13 22 have access to the affidavits while that board is in session.
13 23 Any elector may present written statements or documents,
13 24 supporting or opposing the counting of any special ballot, at
13 25 the commissioner's office until the reconvening of the special
13 26 precinct board.

13 27 Sec. 24. Section 50.21, unnumbered paragraph 2, Code 2003,
13 28 is amended to read as follows:

13 29 If no ~~special provisional~~ ballots were cast in the county
13 30 pursuant to section 49.81 at any election, the special
13 31 precinct election board need not be so reconvened. If the
13 32 number of ~~special provisional~~ ballots ~~so~~ cast at any election
13 33 is not sufficient to require reconvening of the entire
13 34 election board of the special precinct, the commissioner may
13 35 reconvene only the number of members required. If the number
14 1 of ~~special provisional~~ ballots cast at any election exceeds
14 2 the number of absentee ballots cast, the size of the special
14 3 precinct election board may be increased at the commissioner's
14 4 discretion. The commissioner shall observe the requirements
14 5 of sections 49.12 and 49.13 in making adjustments to the size
14 6 of the special precinct election board.

14 7 Sec. 25. Section 52.1, subsection 2, paragraph h, Code
14 8 2003, is amended to read as follows:

14 9 h. "Voting machine" means ~~a mechanical or an~~ electronic
14 10 device, meeting the requirements of section 52.7, designated
14 11 for use in casting, registering, recording, and counting votes
14 12 at an election.

14 13 Sec. 26. Section 52.2, Code 2003, is amended to read as
14 14 follows:

14 15 52.2 PURCHASE.

14 16 The board of supervisors of any county may, by a majority
14 17 vote, authorize, purchase, and order the use of either voting
14 18 machines or an electronic voting system in any one or more
14 19 voting precincts within ~~said the~~ county until otherwise
14 20 ordered by ~~said the~~ board of supervisors. Voting machines and
14 21 an electronic voting system may be used concurrently at
14 22 ~~different~~ precincts within any county, ~~but not at the same~~
14 23 ~~precinct.~~

14 24 The state commissioner may provide voting machines or
14 25 electronic voting systems to a county to replace lever voting

14 26 machines in use in the county in order to comply with Pub. L.
14 27 No. 107=252, the Help America Vote Act of 2002.

14 28 Sec. 27. Section 52.9, unnumbered paragraph 4, Code 2003,
14 29 is amended by striking the unnumbered paragraph.

14 30 Sec. 28. Section 52.10, Code 2003, is amended to read as
14 31 follows:

14 32 52.10 BALLOTS == FORM.

14 33 All ballots shall be printed in black ink on clear, white
14 34 material, of such size as will fit the ballot frame, and
14 35 presented in as plain, clear type as the space will reasonably
15 1 permit. The party name for each political party represented
15 2 on the machine shall be prefixed to the list of candidates of
15 3 such party. The order of the list of candidates of the
15 4 several parties or organizations shall be arranged as provided
15 5 in sections 49.30 to 49.42A, except that the lists may be
15 6 arranged in horizontal rows or vertical columns to meet the
15 7 physical requirements of the voting machine used. The
15 8 offices, candidates, judges, and public measures to be voted
15 9 upon, using the voting machine, shall be arranged as required
15 10 by chapters 43 and 49.

15 11 Sec. 29. Section 52.12, Code 2003, is amended to read as
15 12 follows:

15 13 52.12 EXCEPTION == STRAIGHT PARTY VOTING.

15 14 Voting machines shall have a single lever or switch voting
15 15 target which casts a vote for each candidate of a political
15 16 party or nonparty political organization which has nominated
15 17 candidates for more than one partisan office on the ballot.
15 18 Straight party voting shall be provided for all general
15 19 elections.

15 20 Sec. 30. Section 52.16, Code 2003, is amended to read as
15 21 follows:

15 22 52.16 DUTIES OF ELECTION OFFICERS == INDEPENDENT BALLOTS.

15 23 The election board of each precinct in which votes are to
15 24 be cast by machine shall meet at the precinct polling place,
15 25 at least one hour before the time set for the opening of the
15 26 polls at each election, and shall proceed to arrange the
15 27 furniture, stationery, and voting machine for the conduct of
15 28 the election. The board shall cause at least two instruction
15 29 cards four sets of instructions to be posted conspicuously
15 30 within the polling place. If not previously done, they shall
15 31 arrange, in their proper place on the voting machine, the
15 32 ballots containing the names of the offices to be filled at
15 33 the election, and the names of the candidates nominated. If
15 34 not previously done, the machine shall be so arranged as to
15 35 show that no vote has been cast, and shall not be thereafter
16 1 operated, except by electors in voting.

16 2 Before the polls are open for election, the board shall
16 3 carefully examine every machine and see that no vote has been
16 4 cast, and the machines are subject to inspection of the
16 5 election officers. If the voting machine is equipped to
16 6 produce a printed record showing the status of the counters,
16 7 this record shall be produced by the precinct election
16 8 officials immediately immediately before the polls are open,
16 9 the precinct election officials shall print a report from each
16 10 machine showing that the counter is set at zero. The
16 11 inspection sheets reports from each machine used in the
16 12 election shall be available for examination throughout
16 13 election day.

16 14 Ballots voted for any person whose name does not appear on
16 15 the machine as a nominated candidate for office, are referred
16 16 to in this section as independent ballots. When two or more
16 17 persons are to be elected to the same office, and the machine
16 18 requires that all independent ballots voted for that office be
16 19 deposited in a single receptacle or device, an elector may
16 20 vote in or by the receptacle or device for one or more persons
16 21 whose names do not appear upon the machine with or without the
16 22 names of one or more persons whose names do so appear. With
16 23 that exception, and except for presidential electors, no
16 24 independent ballot shall be voted for any person for any
16 25 office whose name appears on the machine as a nominated
16 26 candidate for that office; any independent ballot so voted
16 27 shall not be counted. An independent ballot must be cast in
16 28 its appropriate place on the machine, or it shall be void and
16 29 not counted.

16 30 Sec. 31. Section 52.17, Code 2003, is amended to read as
16 31 follows:

16 32 52.17 VOTING MACHINE IN PLAIN VIEW.

16 33 The exterior of the voting machine and every part of the
16 34 polling place shall be in plain view of the election officers.
16 35 The voting machine shall be placed at least three feet from
17 1 every wall and partition of the polling place, and at least

17 2 four feet from the precinct election officials' table.
17 3 Sec. 32. Section 52.20, Code 2003, is amended to read as
17 4 follows:
17 5 52.20 INJURY TO MACHINE.
17 6 ~~No~~ A voter, or other person, shall not deface or injure the
17 7 voting machine or the ballot thereon. It shall be the duty of
17 8 the precinct election officials to enforce the provisions of
17 9 this section. During the entire period of an election, at
17 10 least one of ~~their number~~ the officials, designated by ~~them~~
17 11 the officials from time to time, shall ~~be stationed beside the~~
17 12 ~~entrance to the booth and shall see that it is properly closed~~
17 13 ~~after a voter has entered it to vote. The official shall~~
17 14 ~~also, at such intervals as the official may deem proper or~~
17 15 ~~necessary, examine the face of the machine to ascertain~~
17 16 ~~whether it has been defaced or injured, to detect the~~
17 17 ~~wrongdoer, and to repair any injury. If the official finds~~
17 18 ~~that a person has left the voting booth without casting the~~
17 19 ~~ballot, the official shall cast the ballot.~~
17 20 Sec. 33. Section 52.21, Code 2003, is amended by striking
17 21 the section and inserting in lieu thereof the following:
17 22 52.21 CANVASS OF VOTE == TALLY.
17 23 As soon as the polls of the election are closed, the
17 24 precinct election officials shall immediately lock the voting
17 25 machine against voting and, in the presence of all persons who
17 26 may be lawfully within the polling place, proceed to canvass
17 27 the vote. The officials shall print the results from each
17 28 machine, tally any write-in votes, and complete any canvass
17 29 documents prescribed for the voting machine by the state
17 30 commissioner. Write-in votes cast for a person whose name
17 31 appears on the ballot as a candidate for that office shall not
17 32 be counted.
17 33 Sec. 34. Section 52.23, unnumbered paragraph 2, Code 2003,
17 34 is amended to read as follows:
17 35 The ~~inspection sheets~~ zero count report from each machine
18 1 used in the election and one copy of the printed results from
18 2 each machine shall be signed by all precinct election
18 3 officials and, with any paper or papers upon which write-in
18 4 votes were recorded by voters, shall be securely sealed in an
18 5 envelope marked with the name and date of the election, the
18 6 precinct, and the serial numbers of the machines from which
18 7 the enclosed results were removed. This envelope shall be
18 8 preserved, unopened, for twenty-two months following elections
18 9 for federal offices and for six months following elections for
18 10 all other offices unless a recount is requested pursuant to
18 11 section 50.48 or an election contest is pending. The envelope
18 12 shall be destroyed in the same manner as ballots pursuant to
18 13 section 50.13. ~~Additional copies~~ At least one additional copy
18 14 ~~of the results, if any, shall be signed by the officials and~~
18 15 ~~delivered to the commissioner with the other supplies from the~~
18 16 ~~election pursuant to section 50.17.~~
18 17 Sec. 35. Section 52.25, unnumbered paragraph 2, Code 2003,
18 18 is amended to read as follows:
18 19 The entire convention question, amendment or public measure
18 20 shall be printed and displayed prominently in at least four
18 21 places within the voting precinct, and inside each voting
18 22 booth, ~~or on the left-hand side inside the curtain of each~~
18 23 ~~voting machine,~~ the printing to be in conformity with the
18 24 provisions of chapter 49. The public measure shall be
18 25 summarized by the commissioner and in the largest type
18 26 possible printed on the special paper ballots or ~~inserts used~~
18 27 in the voting machines, except that:
18 28 Sec. 36. NEW SECTION. 53.37A STATE COMMISSIONER DUTIES.
18 29 The state commissioner of elections shall provide
18 30 information regarding voter registration procedures and
18 31 absentee ballot procedures to be used by members of the armed
18 32 forces of the United States. The state commissioner shall
18 33 accept valid voter registration applications and absentee
18 34 ballot applications and shall forward the applications to the
18 35 appropriate county commissioner of elections in a timely
19 1 manner.
19 2 Sec. 37. Section 53.40, unnumbered paragraph 1, Code 2003,
19 3 is amended to read as follows:
19 4 A request in writing for a ballot may be made by any member
19 5 of the armed forces of the United States who is or will be a
19 6 qualified voter on the day of the election at which the ballot
19 7 is to be cast, at any time before the election. Any member of
19 8 the armed forces of the United States may request ballots for
19 9 all elections to be held ~~within a calendar year through the~~
19 10 ~~next two general elections.~~ The request may be made by using
19 11 the federal postcard application form and indicating that the
19 12 applicant wishes to receive ballots for all elections as

19 13 permitted by state law. The county commissioner shall send
19 14 the applicant a ballot for each election held ~~during the~~
~~19 15 calendar year in which after the application is received and~~
~~19 16 through the next two general elections.~~ The commissioner
19 17 shall forward a copy of the absentee ballot request to other
19 18 commissioners who are responsible under section 47.2,
19 19 subsection 2, for conducting elections in which the applicant
19 20 is eligible to vote.

19 21 Sec. 38. Section 53.53, Code 2003, is amended by adding
19 22 the following new unnumbered paragraphs:

19 23 NEW UNNUMBERED PARAGRAPH. A federal write-in ballot
19 24 received by the state commissioner of elections shall be
19 25 forwarded immediately to the appropriate county commissioner.
19 26 However, if the state commissioner receives a federal write-in
19 27 ballot after election day and before noon on the Monday
19 28 following an election, the state commissioner shall at once
19 29 verify that the voter has complied with the requirements of
19 30 this section and that the voter's federal write-in ballot is
19 31 eligible to be counted. If the ballot is eligible to be
19 32 counted, the state commissioner shall notify the appropriate
19 33 county commissioner and make arrangements for the ballot to be
19 34 transmitted to the county for counting. If the ballot is not
19 35 eligible to be counted, the state commissioner shall mail the
20 1 ballot to the appropriate commissioner along with notification
20 2 that the ballot is ineligible to be counted. The county
20 3 commissioner shall keep the ballot with the other records of
20 4 the election.

20 5 NEW UNNUMBERED PARAGRAPH. The county commissioner shall
20 6 notify a voter when the voter's federal write-in ballot was
20 7 not counted and shall give the voter the reason the ballot was
20 8 not counted.

20 9 Sec. 39. Sections 49.35, 52.11, 52.14, and 52.22, Code
20 10 2003, are repealed.

20 11 Sec. 40. EFFECTIVE DATES.

20 12 1. The sections of this division of this Act enacting new
20 13 Code section 48A.25A and amending Code sections 48A.26,
20 14 48A.36, 49.68, 49.70, 49.71, and that portion of section 52.16
20 15 relating to voter instructions only, take effect January 1,
20 16 2004, or January 1, 2006, if a waiver is granted pursuant to
20 17 section 303(d) of Pub. L. No. 107=252.

20 18 2. The sections of this division of this Act amending
20 19 sections 52.1, 52.9, 52.10, 52.12, 52.16, 52.17, 52.20, 52.21,
20 20 and 52.25, and the sections of this division of this Act
20 21 repealing sections 52.11, 52.14, and 52.22, take effect
20 22 January 1, 2004, or January 1, 2006, if a waiver is granted
20 23 pursuant to section 102(a) of Pub. L. No. 107=252.

20 24 3. The remainder of this division of this Act, being
20 25 deemed of immediate importance, takes effect upon enactment.

20 26 DIVISION II
20 27 ABSENTEE VOTING

20 28 Sec. 41. Section 39A.4, subsection 1, paragraph c, Code
20 29 2003, is amended by adding the following new subparagraphs:
20 30 NEW SUBPARAGRAPH. (11) Distributing an absentee ballot
20 31 application in person to the applicant and the person is not
20 32 the commissioner, an employee of the commissioner's office, or
20 33 an absentee ballot courier under section 53.22A.

20 34 NEW SUBPARAGRAPH. (12) Distributing an absentee ballot
20 35 application more than seventy days before the election.

21 1 NEW SUBPARAGRAPH. (13) Returning an absentee ballot
21 2 application to the commissioner's office and the person is not
21 3 the applicant or an immediate family member of the applicant
21 4 as that term is defined in section 53.1A or is not the
21 5 designee of a voter described in section 53.22, subsection 5.
21 6 NEW SUBPARAGRAPH. (14) Returning a voted absentee ballot
21 7 to the commissioner's office and the person is not the voter,
21 8 an immediate family member of the voter as that term is
21 9 defined in section 53.1A, an absentee ballot courier under
21 10 section 53.22A, or the designee of a voter described in
21 11 section 53.22, subsection 5.

21 12 Sec. 42. Section 39A.5, subsection 1, paragraph b, Code
21 13 2003, is amended by adding the following new subparagraph:

21 14 NEW SUBPARAGRAPH. (4) As an absentee ballot courier,
21 15 neglecting or refusing to fill out one or both receipts
21 16 required under section 53.17.

21 17 Sec. 43. NEW SECTION. 53.1A DEFINITIONS.

21 18 For purposes of this chapter, "immediate family member" of
21 19 an absentee ballot applicant or absentee ballot voter means
21 20 the spouse, adult child, parent, grandparent, or adult sibling
21 21 of the applicant or voter.

21 22 Sec. 44. Section 53.2, unnumbered paragraph 1, Code 2003,
21 23 is amended to read as follows:

21 24 Any registered voter, under the circumstances specified in
21 25 section 53.1, may ~~on any day, except election day, and~~ not
21 26 more than seventy days prior to the date of the election,
21 27 apply in person for an absentee ballot at the commissioner's
21 28 office or at any location designated by the commissioner, or
21 29 make written application to the commissioner for an absentee
21 30 ballot. Absentee ballot applications may only be distributed
21 31 by the commissioner's office, or by a person appointed and
21 32 accredited to the commissioner by a political party as
21 33 provided in section 53.22A, or by mail by a political party as
21 34 that term is defined in section 43.2. Absentee ballot
21 35 applications shall not be distributed more than seventy days
22 1 before the election. An absentee ballot courier shall sign a
22 2 receipt for absentee ballot applications received from the
22 3 commissioner's office.

22 4 PARAGRAPH DIVIDED. The state commissioner shall prescribe
22 5 a form for absentee ballot applications. ~~However, if a~~
22 6 ~~registered voter submits an application that includes all of~~
22 7 ~~the information required in this section, the prescribed form~~
22 8 ~~is not required.~~ Absentee ballot applications may include
22 9 instructions to send the application directly to the county
22 10 commissioner of elections. However, no absentee ballot
22 11 application shall be preaddressed or printed with instructions
22 12 to send the applications to anyone other than the appropriate
22 13 commissioner. A completed application for an absentee ballot
22 14 may be returned only by the applicant, or a member of the
22 15 applicant's immediate family, or the applicant's designee if
22 16 the applicant is a voter described in section 53.22,
22 17 subsection 5.

22 18 Sec. 45. Section 53.2, Code 2003, is amended by adding the
22 19 following new unnumbered paragraph:

22 20 NEW UNNUMBERED PARAGRAPH. If an absentee ballot
22 21 application is received by the commissioner more than seventy
22 22 days before the election, the commissioner shall notify the
22 23 applicant that the applicant must reapply for an absentee
22 24 ballot no sooner than seventy days before the election.

22 25 Sec. 46. Section 53.8, subsection 1, Code 2003, is amended
22 26 to read as follows:

22 27 1. Upon receipt of an application for an absentee ballot
22 28 and immediately after the absentee ballots are printed, the
22 29 commissioner shall mail an absentee ballot to the applicant
22 30 ~~within twenty-four hours~~, except as otherwise provided in
22 31 subsection 3. The absentee ballot shall be enclosed in an
22 32 unsealed envelope bearing a serial number and affidavit. The
22 33 absentee ballot and unsealed envelope shall be enclosed in or
22 34 with a carrier envelope marked postage paid which bears the
22 35 same serial number as the unsealed envelope. The absentee
23 1 ballot, unsealed envelope, and carrier envelope shall be
23 2 enclosed in a third envelope to be sent to the registered
23 3 voter. If the ballot cannot be folded so that all of the
23 4 votes cast on the ballot will be hidden, the commissioner
23 5 shall also enclose a secrecy envelope with the absentee
23 6 ballot. There shall be printed on the reverse side of the
23 7 carrier envelope a receipt to be completed by an absentee
23 8 ballot courier. The receipt shall contain space for the
23 9 courier to print and sign the courier's name, and indicate the
23 10 date the courier retrieved the ballot from the voter. The
23 11 absentee ballot materials mailed to the voter shall include a
23 12 receipt to be completed by an absentee ballot courier, if
23 13 applicable, and retained by the voter.

23 14 Sec. 47. Section 53.8, subsection 2, Code 2003, is amended
23 15 to read as follows:

23 16 2. If an application is received so late that it is
23 17 unlikely that the absentee ballot can be returned in time to
23 18 be counted on election day, the commissioner shall enclose
23 19 with the absentee ballot a statement to that effect. The
23 20 statement shall also point out that it is possible for the
23 21 applicant, a member of the applicant's immediate family, an
23 22 absentee ballot courier, or the applicant's designee if the
23 23 absentee ballot is voted by a voter described in section
23 24 53.22, subsection 5, to personally deliver the completed
23 25 absentee ballot to the office of the commissioner at any time
23 26 before the closing of the polls on election day.

23 27 Sec. 48. Section 53.17, subsection 1, Code 2003, is
23 28 amended to read as follows:

23 29 1. The sealed carrier envelope may be delivered by the
23 30 registered voter, a member of the voter's immediate family, an
23 31 absentee ballot courier, or the voter's designee if the
23 32 absentee ballot is voted by a voter described in section
23 33 53.22, subsection 5, to the commissioner's office no later
23 34 than the time the polls are closed on election day.

23 35 Sec. 49. Section 53.17, subsection 2, Code 2003, is
24 1 amended to read as follows:
24 2 2. The sealed carrier envelope may be mailed to the
24 3 commissioner. ~~The carrier envelope shall indicate that~~
~~24 4 greater postage than ordinary first class mail may be~~
~~24 5 required. The commissioner shall pay any insufficient postage~~
~~24 6 due on a carrier envelope bearing ordinary first class postage~~
~~24 7 and accept the ballot.~~

24 8 Sec. 50. Section 53.17, Code 2003, is amended by adding
24 9 the following new subsection:
24 10 NEW SUBSECTION. 3. The sealed carrier envelope may be
24 11 delivered to the commissioner's office by an absentee ballot
24 12 courier no later than the time the polls are closed on
24 13 election day or may be mailed to the commissioner by an
24 14 absentee ballot courier. If an absentee ballot courier
24 15 retrieves a ballot from a voter, the courier shall fill out
24 16 the receipt to be retained by the voter and shall fill out the
24 17 receipt printed on the carrier envelope. Failure to fill out
24 18 either receipt is a simple misdemeanor under section 39A.5,
24 19 subsection 1, paragraph "b". A voted absentee ballot courier
24 20 shall mail or deliver ballots to the commissioner's office
24 21 within seventy-two hours of retrieving the ballot from the
24 22 voter. Failure to do so is a violation under section 39A.2,
24 23 subsection 1, paragraph "b", subparagraph (1).

24 24 Sec. 51. NEW SECTION. 53.22A ABSENTEE BALLOT COURIERS.
24 25 Any number of persons from each political party having
24 26 candidates to be voted for at an election who are appointed
24 27 and accredited by the executive or central committee of such
24 28 political party may serve as absentee ballot couriers. An
24 29 absentee ballot courier is authorized to deliver absentee
24 30 ballot applications to absentee ballot applicants and to
24 31 return voted absentee ballots to the commissioner's office.
24 32 For purposes of this section, "political party" is the same as
24 33 defined in section 43.2.

24 34 Sec. 52. EFFECTIVE DATE. This division of this Act, being
24 35 deemed of immediate importance, takes effect upon enactment.

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25 2

25 3
25 4 _____
25 5 CHRISTOPHER C. RANTS
25 6 Speaker of the House

25 7
25 8 _____
25 9 MARY E. KRAMER
25 10 President of the Senate

25 11
25 12 I hereby certify that this bill originated in the House and
25 13 is known as House File 614, Eightieth General Assembly.

25 14
25 15
25 16 _____
25 17 MARGARET THOMSON
25 18 Chief Clerk of the House

25 19 Approved _____, 2003

25 20
25 21
25 22 _____
25 23 THOMAS J. VILSACK
25 24 Governor